

CONDITIONAL USE Q&A

Our Housing Crisis

The City of Moncton is currently experiencing a housing crisis. Our population continues to rise rapidly but we are not keeping pace with our housing demands. This is creating an immense housing shortage that translates into higher housing costs (rental and purchase) and homelessness. By 2046, our population is projected to increase by 34,700 people (+43 per cent), requiring over 16,000 housing units.

Reducing barriers to increase housing

Council is considering a series of amendments to its planning by-laws (Municipal Plan, Zoning By-Law, and Sunny Brae Neighbourhood Plan) to streamline the development approval process. Currently, medium- and high-density residential developments (e.g. apartment buildings and townhouses) are “conditional uses”. If approved by Council, the amendments would convert all residential “conditional uses” to “permitted uses”.

Where are we in the process?

The proposal was introduced to Council on Nov. 20, 2023. A public presentation took place on Dec. 4, 2023. On Dec. 20, the Planning Advisory Committee of Council voted unanimously to support adoption of the amending by-laws. On Jan. 15, 2024, Council commenced the formal public hearing to hear objections to the proposed amending by-laws. However, due to time constraints and concerns raised by members regarding lack of public notification, Council decided to adjourn and resume the public hearing on Feb. 5, 2024. Residents wishing to speak for and against objections may still do so when the public hearing resumes.

What is the difference between a “permitted use” and a “conditional use”?

The Zoning By-Law sets out what uses are allowed on what properties in the city. Uses generally fall into two categories, “permitted” and “conditional”. Both categories are allowed uses set out by council. A “permitted use” can be approved by staff. A “conditional” use must be approved by the Planning Advisory Committee, which meets once a month. A “conditional use” may be subject to terms and conditions that the Committee may impose.

Can the Planning Advisory Committee say no to a conditional use application?

A conditional use is an allowed use set out by Council. If all regulatory requirements are met, and the conditions imposed are reasonable, the Planning Advisory Committee does not have the legal authority to say no to an application. The rules for conditional uses are set out in provincial law.

What is the nature of public participation in the conditional use process?

For a conditional use application, public notice is given to landowners within 60 metres of the development property. Residents who attend Planning Advisory Committee meetings are often upset when they are made aware that the Committee does not have the authority to outright say no to the application. Public participation in the process is limited to the consideration of variances (i.e. flexibility from the regulations) and conditions..

How might this affect me as a property owner?

This initiative does not propose an increase in density or higher residential uses in any zone across the city. If, for example, your property is in a “Single or Two-Unit (R2)” zone, the maximum residential use allowed will still be a duplex.

Will this degrade the quality of developments and neighbourhoods?

The majority of medium- and high-density residential developments that are reviewed by the Planning Advisory Committee do not require additional conditions. Over the past 10 years, the city has developed an extremely robust framework of development requirements in the Zoning By-Law related to these residential uses. These include, for example, stringent requirements for building setback, height, and footprint; and design standards on façade, window, and articulation. Substantive conditions above and beyond the Zoning By-Law are rarely added. The Planning Advisory Committee process for these developments is therefore no longer needed as the Zoning By-Law is doing its job and will be updated over time as the planning and development environment evolves.

Will I still be able to provide input on medium- and high-density residential projects in the city?

If Council adopts the proposed amending by-laws, there will no longer be a notice to all property owners within 60 meters of a development property. Should all regulatory requirements be met, a “permitted use” would allow medium- and high-density residential projects to be approved at the staff level. However, should the proposed development require variances (i.e. flexibility from the regulations) and depending on the nature of the variances, property owners directly adjacent to the development property may be given direct mail notices. In this case, notified residents would have an opportunity to provide feedback on the development proposal.

Where can I review the proposed amending by-laws?

The proposed amending by-laws can be viewed here:

<https://www.moncton.ca/proposed-by-laws-and-amendments>

The parent by-laws, in their entirety, can be viewed here:

<https://www.moncton.ca/by-laws>

Contact

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